

FEB 24 2004

OFFICIAL

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : Albert James Yovichin, Daniel Ray Downing,  
and James Alfred Benzing, II

FOR : HOT FORMING SYSTEM TO PRODUCE  
PRE-CURED INNERLINERS

SERIAL NO. : 09/831,393

FILED : August 20, 2001

LAST OFFICE ACTION : August 13, 2003

EXAMINER : Geoffrey L. Knable

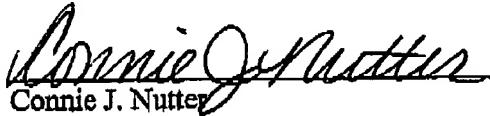
GROUP ART UNIT : 1733

ATTORNEY DOCKET NO. : DN1998168US (30163.30197)

Akron, Ohio 44308-1471  
February 24, 2004

\*\*\*\*\*  
CERTIFICATE OF MAILING

I hereby certify that this **DECLARATION OF JAMES E. ELDER** is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

2/24/04  
Date  
Connie J. Nutter\*\*\*\*\*  
DECLARATION OF JAMES E. ELDER

Commissioner for Patents  
Mail Stop Petition  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Dear Sir:

I, James E. Elder, declare as follows:

1. My name is James E. Elder.
2. I am an employee of Brouse McDowell and serve in the position of docketing clerk for the intellectual property group.
3. I have been working at Brouse McDowell since August 2003.
4. For the previous eight (8) years, I served as a docketing clerk for various law firms for litigation.
5. On December 16, 2003, the database for the intellectual property group experienced a "crash."
6. Most of the information was able to be restored with the exception of data entered in the previous two (2) weeks.
7. As such, two weeks of data entry needed reentered into two parallel docketing systems: an Access database and a software program entitled IP Master, created by Master Data Center (MDC).
8. Simultaneously, I was assisting in a massive file transfer of over two thousand (2,000) matters.
9. On or about December 22, 2003, Heather Barnes brought me an advisory action for a patent case having serial number 09/831,393 entitled HOT FORMING SYSTEM TO PRODUCE PRECURED INNERLINERS. The attorney docket number is 30163.30197.
10. The intellectual property group docketing procedure is as follows:
  - I receive incoming docket;
  - I docket the communication from the U.S. Patent and Trademark Office or foreign counsel, etc.;
  - The newly docketed communication, file, and docket sheet with the predetermined docket dates are given to the responsible attorney, who is also known as the matter manager;
  - The responsible attorney reviews the communication and the newly entered docket dates to ensure that the dates are correct;
  - If the dates are correct, the responsible attorney initials the entries;

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- If the docket entries are incorrect, the responsible attorney changes these dates to the correct date; and
- I then reenter the correct dates and present the case to the responsible attorney again for confirmation. The process is repeated until the responsible attorney initials the newly docketed entries.

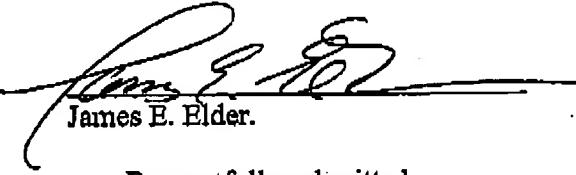
11. Unfortunately, in this case, due to the massive amount of data that needed reentered due to the database failure and the file transfers, I inadvertently overlooked that the most recent communication was an advisory action.

12. I inadvertently docketed the advisory action from the mailing date of the advisory action rather than the mailing date of the final office action.

13. After searching my files, it became apparent that I did not present Heather Barnes with a docket sheet to confirm the dates I entered into the docketing database.

14. Upon running of a docket report on February 23, 2004, it came to my attention that this matter should have appeared on her docket earlier in the month and it didn't due to yet another result of the database failure.

16. I further declare that the statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 in the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

  
James E. Elder.

Respectfully submitted,

BROUSE McDOWELL

February 24, 2004  
DateTelephone No.: (330) 535-5711  
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